

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S. SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 19529 of 2007(Y)

PETITIONER:

**WILSON THOMAS, AGED 44,
S/O. THOMAS, PUTHUSSERY HOUSE, PIZHALA P.O.,
ERNAKULAM.**

**BY ADV. SRI. P. GOPALAKRISHNA MENON
SRI. M. JITHESH MENON**

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.**

BY GOVERNMENT PLEADER SRI. M.R. SABU.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 19529 of 2007(Y)

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF THE ORDER OF THE 1ST RESPONDENT
DATED 16.11.2006.**
- EXT. P2 : COPY OF THE JUDGMENT IN MVAA NO. 72/07
DATED 06.03.2007.**
- EXT. P3 : COPY OF THE ORDER OF THE 1ST RESPONDENT
DATED 19.04.2007.**
- EXT. P4 : COPY OF THE JUDGMENT IN W.P. © NO. 13678/07
DATED 01.06.2007.**

// True Copy //

P.A. to Judge.

Acd

S. SIRI JAGAN, J.

W.P.(C)NO. 19529 OF 2007

DATED THIS THE 1st DAY OF AUGUST, 2007

JUDGMENT

Against Ext.P1 decision of the 1st respondent rejecting the petitioner's application for regular permit, the petitioner filed M.V.A.A.No.72/07 in which by Ext.P2, Ext.P1 order was set aside and the 1st respondent was directed to grant permit subject to settlement of timings. However, by Ext.P3 instead of complying with Ext.P2 judgment the 1st respondent has simply adjourned the matter for filing appeal. This is under challenge before me.

2. I have heard the learned counsel for the petitioner as also the learned Government pleader.

3. It is settled law that the 1st respondent R.T.A., being a quasi judicial authority, cannot file appeal against the orders of the State Transport Appellate Tribunal. If at all only the Government can take up the matter further. Therefore, Ext.P3 decision of the RTA is clearly unsustainable. Accordingly, Ext.P3 is quashed and the 1st respondent is directed to comply with the directions in Ext.P2 judgment, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. This is subject to the condition that orders passed pursuant thereto would be subject to

interim or final orders in any further proceedings, which the Government may initiate against Ext.P2 judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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